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# Hill Study Says Privacy Laws Are Far Behind Technology

## *Authorized Surveillance at All-Time High*

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A report by the Office of Technology Assessment, to be given to Congress today, concludes that current privacy laws have failed to keep pace with the recent burst of computer and telephone technologies and leave American industries and citizens unprotected from unauthorized surveillance by competitors and investigators.

The report also said that of 142 federal agencies responding to a survey—excluding foreign intelligence and counterintelligence agencies—25 percent either use or plan to use electronic surveillance, and court-approved wiretaps and bugs were at an all-time high last year.

The study said Americans are without any legal protection against unauthorized tapping of phone calls made on cellular or cordless phones as well as data transfers between computers and digital transmission of video and graphic images, according to the report, "Electronic Surveillance and Civil Liberties."

According to the report the government could be a victim of the current gaps in the privacy laws. The OTA study showed that about 25 percent of federal agencies said they use or plan to use computer systems for law enforcement, investigations and intelligence.

The report is to be given to Rep. Robert W. Kastenmeier (D-Wis.), chairman of the House Judiciary subcommittee on courts, civil liberties and the administration of justice.

"In the last 20 years there has

been a virtual revolution in the technology relevant to electronic surveillance," the report begins. "Advances in electronics, semiconductors, computers, imaging, data bases and related technologies have greatly increased the technical options for surveillance activities . . . .

"The existing statutory framework and judicial interpretation thereof do not adequately cover new electronic surveillance applications," the report continues. "The Fourth Amendment—which protects 'the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures'—was written at a time when people conducted their affairs in a simple, direct and personalized fashion.

"Telephones, credit cards, computers and cameras did not exist," the report's authors said. "Although the application of the Fourth Amendment is timeless its application has not kept abreast of current technologies."

The current privacy law, passed in 1968, covers wire and oral communications only. Kastenmeier and Sen. Patrick Leahy (D-Vt.) have introduced the Electronic Communication Privacy Act of 1985, which would extend "protection against interception from voice transmissions to virtually all electronic communications . . . the digitized portion of telephone calls, the transmission of data over telephone lines, the transmission of video images by microwave or by any other conceivable mix of medium and message."

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